

Hello, my name is Helen Paredes. I am family of a person who was wrongfully convicted as a juvenile, age 15 and sentenced to life without parole. His name is Efrén Paredes, Jr. I am a statewide committee member of The Injustice Must End committee, TIME, to free Efrén Paredes, Jr. I am here today to speak on behalf of Efrén and the other 350 plus juveniles in our state and the 2800 plus juveniles in our nation that are sentenced to life without parole.

In January of 2009, when the bills you are holding hearings on today were introduced, I wrote personal emails to each and every Representative and Senator of the State of Michigan. I received few responses to my email. I did however receive some responses from legislators who were in favor of this bill. Most wanted to know which area I was from so they could refer me to my own Representative. When I replied that I was representing the 350 plus juveniles from the whole state of Michigan who do not have a voice because they are serving life without parole in adult prisons across our state, I received more positive responses in favor of this bill.

In January of this year I also spoke at the 16th Annual Martin Luther King, Jr. Symposium at the University of Michigan and participated in a panel discussion with other people supporting this change in the way we treat children in Michigan. The panel included the Honorable Representative Alma Wheeler Smith.

Tuesday, February 10, 2009, the Berkeley City Council in California voted to condemn Efrén's sentence as a human rights violation. An excerpt from the letter that was mailed to our Governor, the Berkeley City Council states:

**"The United States should be at the forefront of promotion and protection of human rights. For this country to be the lone holdout on the issue of JLWOP weakens our moral and legal standing in the international community. The Berkeley City Council supports the call for the United States to align itself with international law by ratifying banning JLWOP.**

**Mr. Paredes' release should be a pivotal step toward ending JLWOP sentences in the United States."**

Some people argue that the bills we are discussing today should not be passed because the Governor can commute the sentences of these individuals if it is warranted. The facts, however, reveal painful truths that the public is unaware of. The Parole Board does not recommend the release of prisoners based on the age of prisoners at the time they committed their crime. They focus, instead, on the age at the time of consideration for release.

To decide today whether or not a juvenile offender should continue to be imprisoned into those adult years and even into old age, is to assume extra human powers to predict human behavior, generations into the future. The crucial decision, to release or not release offenders on parole, should be made at the time of such release, and not decades earlier.

This works against prisoners who may have committed a crime at a young age because the Parole Board expects them to serve longer time in prison, for example, than a prisoner who committed a crime at age 30. The adult offender would grow older before the younger one and the older offender is eligible for release sooner. To the Parole Board, old age is amenable to release possibilities and according the justice system, being young is amenable to being locked up for life as an older adult.

In a recent *Los Angeles Times* editorial they pointed out:

**"Knowing they will live and die in prison, people who acted in the rashness of youth have no hope of returning to society, and therefore no reason to learn, or grow, or mature, or reform. ... Kids who can't imagine next year can't imagine life in prison and can't be expected to make decisions based on something as obscure to them as parole."**

This is a very salient point that often escapes many of the adults who discuss the issue of juvenile life without parole sentences. The argument that children are "old enough" or "mature enough" to understand the

consequences of their actions at such young ages flies in the face of reality. This contravenes the fundamental understanding researchers of adolescent development have reported in numerous documents.

The vast majority of attorneys who defend juveniles in adult courts have little, if any, experience defending juveniles in that adult court setting. They have no formal education about adolescent development consequently they often make decisions that are not in the best interest of the client, a juvenile they understand so little about.

Juvenile offenders most often commit crimes with other adults or juveniles. Often the police and prosecutors are not trained in juvenile interrogations or why children say what they do in situations involving authority. Many youth plead guilty to charges in the hopes that they will be done dealing with authorities and be able to return home.

The United Nations Convention on the Rights of the Child includes an absolute prohibition on life without parole sentences for crimes committed by juveniles under the age of 18. In addition, United States treaty obligations under Article 14 of the International Covenant of Civil and Political Rights require that "in the case of juvenile persons," criminal trials "shall be such as will take account of their age and the desirability of promoting their rehabilitation."

It is also noted that no system exists in adult prisons to evaluate the progress of juveniles during their incarceration versus that of adults. Rather than provisions for rehabilitative programming, youth are banished into a culture of violence and destructive behavior that erodes their hope and spirit, ultimately their future.

This is an environment that threatens their existence each day. If no barometer exists to measure the progress of these youth that takes many factors into consideration, their progress is ignored or diminished when juxtaposed with their adult counterparts.

Parents are convicted of abuse and neglect if they lock their children in basements or closets for a period of time as a form of punishment. Locking our children away for life without a chance of parole is synonymous with abuse and neglect and is unacceptable.

Life without parole sentences have been characterized as a "living tomb." Modern courts have characterized JLWOP as a "slow death sentence" that is "equally severe" to a death sentence. Others have described it as a "virtually hopeless lifetime incarceration" that is "... a denial of hope" that renders "good behavior and character improvement" immaterial and worse, is cancerous to human development.

Youthful offenders are less culpable than adult offenders, simply because of the innate characteristics of their youthfulness. Their potential for growth and maturation into nonthreatening, productive citizens is also noted.

The U.S. Supreme Court ruled in 2005, in *Roper v. Simmons*, the case that abolished the death penalty against juveniles, that, "When a juvenile offender commits a heinous crime, the State can exact forfeiture of some of the most basic liberties, but the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity."

I have created a blog where I post current research and articles regarding the need for changing the life without parole practice for children. <http://abolish-jlwop.blogspot.com/>

For all of the foregoing reasons, and on behalf of the The Injustice Must End (TIME) Committee to Free Efrén Paredes, Jr., I strongly urge you to support passage of the legislation before you and end the deplorable practice of sentencing children to die in prison in the State of Michigan. I have included a list of research documentation and public information about this issue.

For more information about Efrén's wrongful conviction and commutation quest, please visit:  
[www.4Efren.com](http://www.4Efren.com).

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Research:

"Sentencing Our Children to Die in Prison," juvenile life without parole study by University of San Francisco Center for Law and Global Justice

[http://www.usfca.edu/law/home/CenterforLawandGlobalJustice/LWOP\\_Final\\_Nov\\_30\\_Web.pdf](http://www.usfca.edu/law/home/CenterforLawandGlobalJustice/LWOP_Final_Nov_30_Web.pdf)

"The Rest of Their Lives," juvenile life without parole study by Human Rights Watch and Amnesty International

[www.amnestyusa.org/us/clwop/report.pdf](http://www.amnestyusa.org/us/clwop/report.pdf)

"End Natural Life Sentences for Juveniles," Jeffrey Fagan, 6 Criminology & Public Policy 735 (2007)

<http://www3.interscience.wiley.com/journal/117993482/abstract?CRETRY=1&SRETRY=0>

"Juveniles' Competence to Stand Trial: A Comparison of Adolescents' and Adults' Capacities as Trial Defendants," Thomas Grisso, Laurence Steinberg, Jennifer Woolard, Elizabeth Cauffman, Elizabeth Scott, Sandra Graham, Fran Lexcen, N. Dickon Reppucci, and Robert Schwartz, Law and Human Behavior, 27(4) (2003)

"Immaturity of Judgment in Adolescence: Why Adolescents may be less culpable than adults," Elizabeth Cauffman & Laurence Steinberg, 19 Behav. Sci. Law 741-760 (2000)

"A developmental perspective on jurisdictional boundary," From Jeffery Fagan & Frank Zimring (eds) The Changing Borders of Juvenile Justice. Chicago: Univ. of Chicago Press (2000), Laurence Steinberg and Elizabeth Cauffman

